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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Confirmation No.: 6903

Del Soldato *et al.*

Group Art Unit: Unknown

Application Serial No.: 10/577,912

Examiner: Not Yet Assigned

Filed: May 1, 2006

Attorney Docket No.: 026220-00082

For: NITROOXYDERIVATIVES OF CARVEDILOL AND OTHER BETA BLOCKERS
AS ANTIHYPERTENSIVE DRUGS

RESPONSE WITHDRAWING PETITION UNDER 37 C.F.R. § 1.47(a)

Mail Stop PETITIONS

September 13, 2006

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This paper to request withdrawal of the Petition under 37 C.F.R. § 1.47(a) filed July 19, 2006 in the above-identified U.S. patent application.


At this time, applicants enclose an oath/declaration executed by Piero Del Soldato, the inventor of the above-identified U.S. patent application. As such, the applicants respectfully submit that the requirements of 35 U.S.C. § 371 and 37 C.F.R. § 1.497 have been satisfied and that the previously filed Petition has been rendered moot.

Accordingly, the applicants respectfully request that the file be forwarded to the Office of Initial Patent Examination (OIPE) for further processing. Any further delay will cause irreparable harm to the invention. If any questions or issues remain, applicants respectfully request that the undersigned be contacted to help with their resolution.

Application Serial No.: 10/577,912
Inventor(s): Del Soldato *et al.*
Attorney Docket No.: 026220-00082

The Commissioner is authorized to charge any additional fees or credit any over-
payments to Deposit Account No. 01-2300, referencing Attorney Docket No. **026220-**
00082.

Respectfully submitted,
ARENT FOX PLLC



Amy E.L. Schoenhard
Registration No.: 46,512

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Telephone No.: 202-857-6000
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Enclosure: Oath/Declaration executed by Piero Del Soldato



Docket No. 026220-0008

ARENT FOX PLLC

Declaration and Power of Attorney for U.S. Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter, which is claimed and for which a patent is sought on the invention entitled

(Insert Title) NITROOXYDERIVATIVES OF CARVEDILOL AND OTHER BETA BLOCKERS AS ANTIHYPERTENSIVE DRUGS

the specification of which is attached hereto unless the following box is checked:

☒ was filed on December 1, 2004 As PCT International Application
Number PCT/EP2004/013683 and was amended on _____

and/or was filed on _____ As U.S. Patent Application.
Number _____ and was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International Application having a filing date before that of the application(s) for which priority is claimed:

(List prior foreign applications)	<u>03104484.5</u> (Number)	<u>Europe</u> (Country)	<u>02/12/2003</u> (Day/Month/Year Filed)
	_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
	_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)

Priority Claimed

☒ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

I hereby claim the benefit under 35 U.S.C. §19(e) of any United States provisional application(s) listed below.

_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)

☐ See attached list for additional prior foreign or provisional applications.

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) (U.S. or PCT) in the manner provided by the first paragraph of 35, U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(List prior U.S. Applications or PCT International applications designating the U.S.)	_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
	_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)

Power of Attorney: I hereby appoint all registered practitioners associated with the firm of Arent Fox, Customer Number **004372**, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all communications to the following address:

Customer No. **004372**
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The undersigned hereby authorizes the U.S. attorneys named herein to accept and follow instructions from the undersigned's assignee, if any, and/or, if the undersigned is not a resident of the United States, the undersigned's domestic attorney, patent attorney or patent agent, as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the undersigned.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of fifth inventor _____
 Inventor's signature _____
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 Residence _____
 Citizenship _____
 Post Office Address _____

Full name of sixth inventor _____
 Inventor's signature _____
 Date
 Residence _____
 Citizenship _____